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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**
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14 **UNITED STATES OF AMERICA,**

15 **Plaintiff,**

16
17 **v.**

18 **Librado Ayala-Beltran,**

19 **Defendant.**

No.: 08-mj-7192M

ORDER

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23 **HAVING** considered the Defendant's Motion to Extend Time to Indict and
24 good cause having been shown;

25 **THE COURT** makes the following findings:

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27 1. Counsel for defendant has only recently been appointed;
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29 2. The defendant earnestly wishes to consider the plea offer extended by
the government;

1 3. The defendant wishes to investigate possible defenses prior to
2 considering the government's plea offer;
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4 4. The government's plea offer, if accepted by the defendant and then
5 the court, would likely reduce the defendant's exposure to a significant term of
6 imprisonment;
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8 5. If the defendant does not timely accept the plea offer prior to
9 indictment, the government will withdraw said plea offer and any subsequent plea
10 offer after indictment would likely be less advantageous to the defendant;
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12 6. Failure to extend time for indictment in this instance would thus
13 operate to bar defendant from reviewing the government's plea offer in a
14 meaningful way prior to indictment; and
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17 7. The ends of justice served by this continuance outweigh the best
18 interest of the public and the defendant in a speedy indictment.
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20 The Court therefore concludes that the ends of justice are best served by
21 granting an extension of time to present the case to the grand jury and in excluding
22 a period of thirty (30) days under the Speedy Trial Act. In making this
23 determination, the Court has particularly taken into account that the failure to grant
24 the Defendant's request "would deny counsel for the defendant... the reasonable
25 time necessary for effective preparation, taking into account the exercise of due
26 diligence." 18 U.S.C. §3161(h)(8)(B)(iv).
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